

**AFFIDAVIT OF JONATHAN TJERNAGEL  
FOR CRIMINAL COMPLAINT**

Affiant is a Special Agent (SA) with the Federal Bureau of Investigation (FBI), assigned to the Salt Lake City Field Office, Bozeman Residence Agency, Bozeman, Montana.

1. This affidavit is in support of a criminal complaint charging Zachary Vernon Stephens with travel with the intent to engage in illicit sexual conduct, in violation of 18 U.S.C. § 2423(b). Illicit sexual conduct includes a sexual act with a person under 18 years old that would violate Title 18, Chapter 109A if it occurred in special maritime and territorial jurisdiction of the United States. 18 U.S.C. § 2423(f)(1). A person commits sexual abuse of a minor if, in special maritime or territorial jurisdiction of the United States, that person knowingly engages in a sexual act with a child who has attained the age of 12 years but has not attained the age of 16 years, and the child is at least four years younger than the person so engaging. 18 U.S.C. § 2243(a).

2. On September 4, 2021, Zachary Stephens (born in 1988) was arrested by the Bozeman Police Department (BPD) for Stalking a twelve-year-old female from Bozeman, in violation of M.C.A. § 45-5-220. During their investigation, the BPD seized Stephens' black TCL cellular phone on September 7, 2021, from his residence pursuant to a Montana District Court search warrant that authorized the search and seizure of Stephens' electronic

devices capable of storing media from a surveillance camera. During the seizure, a family member at the residence identified two cell phones (one of which was the black TCL) belonging to Stephens and indicated there would be data on the phone relating to a 12-year-old girl and the State of Utah. During an interview a few days later, Stephens' family member told a detective that Stephens had traveled to Utah during the summer of 2021.

4. On September 14, 2021, a BPD detective received a Montana District Court search warrant that authorized the search of the text messages of the Device. A detective located a text message exchange with the Utah area code phone number on September 6, 2021, where the communicating party indicated her age as 12 years old. Your affiant identified the true identity and age of the 12-year-old child and confirmed that she was in Ogden, Utah, from about June 26, 2021 to July 26, 2021. The 12-year-old child is a different child from the 12-year-old girl Stephens allegedly stalked in Bozeman.


5. On November 3, 2021, your affiant obtained a federal search warrant from this Court authorizing the search of the black TCL phone for evidence of 18 U.S.C. § 2423(b) crimes. During the search of the phone, your affiant reviewed text messages, phone call records and media files. Based on that evidence, Stephens communicated via text message from the end of June 2021 to July 6, 2021, from Montana while the child was in Utah. In those text

communications, Stephens made a plan to travel to Utah to meet the child. On the morning of July 6, 2021, Stephens drove to Utah and met the child. Stephens engaged in sexual intercourse with the child. On the afternoon of July 6, 2021, Stephens began driving back to Montana.

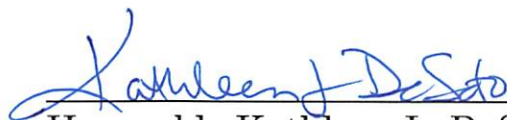
6. On September 30, 2021, the 12-year-old child was interviewed by a Child Forensic Examiner. The child disclosed she communicated with Stephens via text messages. During July 2021, while the child was staying in Ogden, Utah, Stephens drove to see the child. During the time Stephens was with the child in Utah, Stephens' penis penetrated the child's vulva.

Based on the information above, your Affiant, believes Zachary Vernon Stephens, a United States citizen, is in violation of 18 U.S.C. § 2423(b).

Date this 15 day of December, 2021.

  
Jonathan M. Tjernagel  
FBI Special Agent

SUBSCRIBED and SWORN before me this 15<sup>th</sup> day of December, 2021.

A handwritten signature in blue ink, reading "Kathleen L. DeSoto", is positioned above a horizontal line.

Honorable Kathleen L. DeSoto  
United States Magistrate Judge